

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 14622 of 2007(N)

PETITIONER:

ELSY PETER, W/O.N.G.PETER,
AGED 60 YEARS, NELICKAL HOUSE, XVIII/55,
THOPPUMPADY, KOCHI, ERNAKULAM DISTRICT.

BY ADV. SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE

RESPONDENTS:

1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, NORTH PARAVOOR.
2. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, KAKKANAD.
3. SMT.MARIAMMA ANTHAPPAN,
AGED ABOUT 60 YEARS, THUNDIPPARAMBIL HOUSE,
KOTTUVALLY, KAITHARAM P.O.-683 519,
ERNAKULAM DISTRICT.

BY ADV. SHRI. JOSE J MATHEIKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)No. 14622/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE DEED NO. 4101/1982.

P2 : COPY OF THE ROUGH SKETCH OF THE PROPERTY OF THE PETITIONER AND THE DISPUTED TWO ELECTRIC POLES.

P3 : COPY OF THE NOTICE DATED 07/03/2007 ISSUED BY THE 2ND RESPONDENT.

P4 : COPY OF THE THE ORDER DATED 24/4/2007 ISSUED BY THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14622 of 2007

Dated, this the 25th day of May, 2007

J U D G M E N T

Heard the learned counsel for petitioner and the learned Standing Counsel appearing for KSEB. Petitioner is opposing electric connection to 3rd respondent by drawing electric line over petitioner's property. However, it is seen from the sketch produced by KSEB that the line approved by ADM is the shortest and only 35 m. of weather proof cable is passing over a pathway, which leads to 3rd respondent's house over petitioner's property. I am unable to find any grievance for the petitioner because the weather proof line is passing only over the pathway presently used by 3rd respondent. Weather proof line is insulated and therefore petitioner cannot have any grievance about it, more so when it is passing over the pathway. The alternate route suggested by petitioner involves another post and drawing of 75 m. live overhead electric line and 11 m. of weather proof cable and the said line is passing over 3rd party's property from whom petitioner does not have any consent. In the circumstance, WP(C) is devoid of any merit and is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)